1951 **File No.** O/Requisitioned Land (Cont of P) / 51

Legal Dept

BRANCH

Subject:— Opinions on the Requisitioned Land (Continuance Powers) Act, 1947

File No. O/Requisitioned Land (Cont of P) / 51

Gen. 194 e.

C O N T E N T S

Legal Department File No. O. Requisitioned Land(C.orP.)/51

Sr.No.	R.I./O.No.	Subject.	Pages.
		Opigions under the Requisitioned Land (Continuance of Powers) Act,1947.	
	C-513 22/10/51.	Question regarding appointment of arbitrator under section 19 of the D. of Indian Act for fixing compensation in respect of requisitioned land which were finally acquired under the Act.	1-2.
	C-572 28/11/51.	Re: Petition writers who are allowed by Government to sit in the lobby of Rationing Office situated in requisitioned premises. Whether it can be said that the premises are sub let by Government to Petition writers when no rent is charged to them.	3-8.

JPS.24/8/56.5c.

Legal Department.

Defence of India Act, 1939

Section 19 and rules thereunder

Defence of India Rules, 1939

Rule 75 A (1)

Requisitioned Land (Continuance of Powers) Act, 1947 Section 6.

The lands were requisitioned under sub-rule (1) of Rule 75A of the Defence of India Rules in 1944 and were continued under requisition under the Requisitioned Land (Continuance of Powers) Act,1947 and were acquired under the latter Act. Under section 6 of that Act so far as the acquisition of requisitioned land is concerned the amount of compensation is to be determined in accordance with the provisions laid down in sub-section (2) of that section but for determining such compensation the provisions of section 19 of the Defence of India Act and Rules made thereunder appl. in so far as they relate to matters of procedure only. Rules 2 and 3 of the Rules made under sub-sections (2) and (3) of the section 19 of the Defence of India Act provide that when the amount of compensation cannot be fixed by agreement, the person to be compensated may submit an application in writing to the State Government through the Collector for a reference to arbitration for determining the amount of compensation payable to him and that such application shall state the amount of compensation offered,the amount of compensation claimed and the particulars of property acquired including its area,assessment appromixate market value and encumbrances, if any. The application made by Shri Bharucha is incomplete in that he has not stated in the application the amount of compensation claimed and the particulars of the property given by him do not contain any mention of the assessment,appromimate market value and encumbranees, if any. The view taken by the Milk Commissioner's Office is therefore correct.

The second question is about the appointment of an arbitrator. Under section 19(1)(b) of the Defence of India Act, the arbitrator to be appointed should be a person qualified under section 220 of the Government of India Act for appointment as a Judge of a High Court.

P.T.O.

The District Judge, Thana may perhaps be appointed by the Government as an arbitrator, But this is a matter for the Administrative Department to decide.

o/c Sd/-

Additional Secretary to Government.

U.R. to Milk Commissioners' ,No. C. 513, dated the 22nd October 1951 .

C.G.R./25-8/C 4